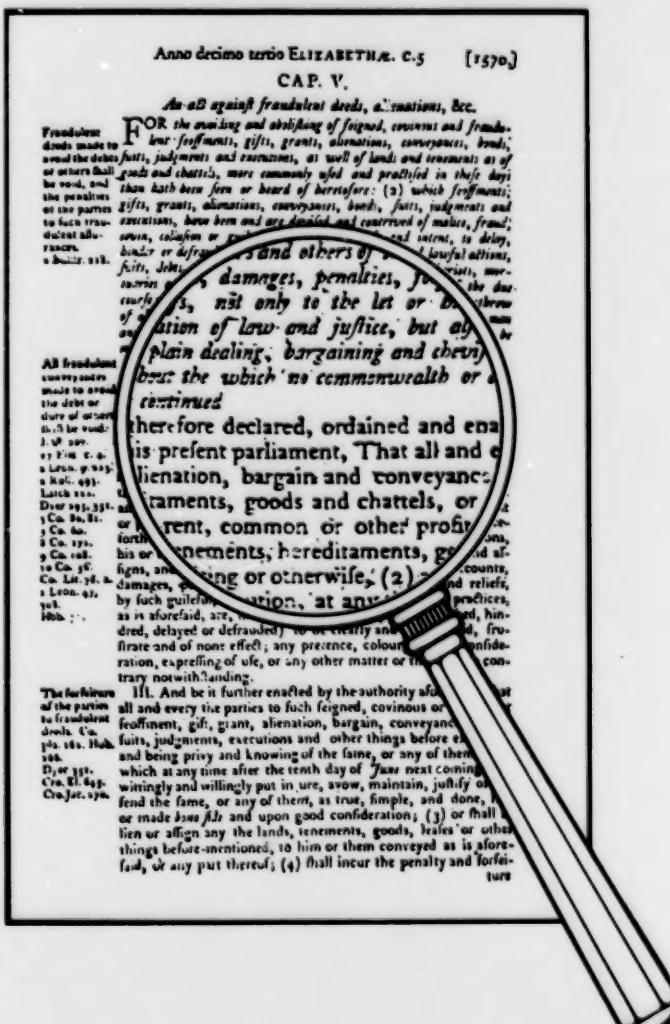




Annual Report 1998-1999

Law Reform Commission of Saskatchewan



**ANNUAL REPORT
1998-1999**

**Law Reform
Commission of
Saskatchewan**

The Law Reform Commission of Saskatchewan was established by An Act to Establish a Law Reform Commission, proclaimed in November 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Kenneth P.R. Hodges, B.A., LLB., Chair
Ms. Gailmarie Anderson, B.A., B.ED.
Judge Diane Morris, B.A., LLB.

Mr. Michael Finley, B.A., LLB. is Director of Research.

The Commission offices are located at:
15 Campus Drive
Law Building
Saskatoon, Saskatchewan, Canada
S7N 5A6

Telephone (306) 966-4002
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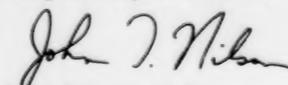
Letters of Transmittal

The Honourable J.E.N. Wiebe
Lieutenant Governor
Province of Saskatchewan

Your Honour:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period of April 1, 1998 to March 31, 1999.

Respectfully submitted,



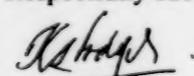
John Nilson, Q.C.
Minister of Justice
and Attorney General

The Honourable John Nilson, Q.C.
Minister of Justice and Attorney General
Regina, Saskatchewan

Sir:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period April 1, 1998 to March 31, 1999.

Respectfully submitted,



Kenneth P.R. Hodges
Chair

The Commissioners and Staff

The Law Reform Commission Act provides that the Minister of Justice shall appoint a Chair and not less than two other members of the Commission. Mr. Kenneth P.R. Hodges, is Chair of the Commission. The other Commissioners are Judge Diane Morris, of the Saskatchewan Provincial Court, and Ms. Gailmarie Anderson, a businesswoman and educator. Madame Justice Gene Anne Smith of Court of Queen's Bench submitted her resignation to the Minister of Justice, in May 1998. Mr. Michael Finley is Director of Research. Previous members of the Commission are Professor Brian A. Grosman, Q.C. (Chair 1974-78), Professor R.C.C. Cuming, Q.C. (Chair 1978-82), Dr. D.A. Schmeiser, Q.C. (Chair 1982-87), Mr. Dale Linn, Q.C. (Chair 1987-92), Chief Justice E.D. Bayda (1974-76), Mr. George J.D. Taylor, Q.C. (1974-82), Madam Justice Marjorie A. Gerwing (1976-92), Mr. Gordon J. Kuski, Q.C. (1982-92), and Madame Justice Gene Anne Smith (1992-1998).

Objectives

The Law Reform Commission Act provides that:

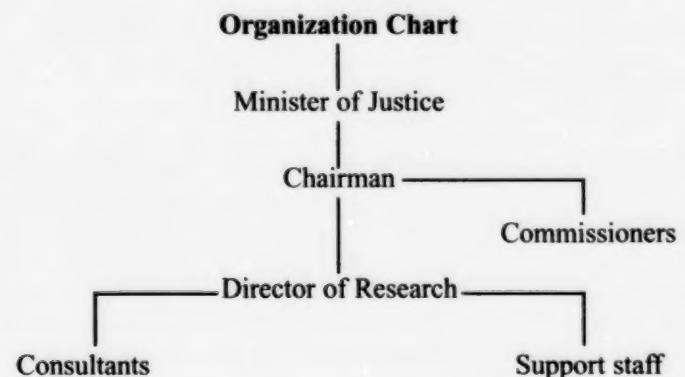
"The Commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law."

Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings, and workshops. The Commission's recommendations are embodied in its final report to the Minister of Justice.

The Commission works closely with the Department of Justice in formulating research projects and facilitating adoption of its proposals. The Commission has also made an on-going contribution on behalf of the Province to the national work of the Uniform Law Conference of Canada. Mr. Kenneth P.R. Hodges, the Commission Chair, was a member of the Conference for several years. Mr. Michael Finley, the Commission's Director of Research, attended the Conference last year.

The Commission is a member of the Federation of Law Reform Agencies of Canada and is represented by Mr. Michael Finley.



Financial Information

The Law Reform Commission is financed by the Province of Saskatchewan and the Law Foundation of Saskatchewan. For the fiscal year April 1, 1998 to March 31, 1999, the Commission received a grant of \$55,000.00 from the Province through the Department of Justice. The Commission also received a grant in a similar amount from the Law Foundation. The support of the Foundation, for which the Commission is most grateful, continues to be essential to the Commission's operation.

Persons who have received money from the Law Reform Commission of Saskatchewan: Chair \$12,000.00 (Gross); Director of Research - \$70,000.00. This information is made available pursuant to the recommendation of the Public Accounts Committee.

Research Program and Activities

1. Completed Projects:

The Commission completed work on three projects and published reports in the fiscal year:

1. *Insolidum Liability and The Contributory Negligence Act,*
2. *Limitation of Actions – Comparison of the Commission's Proposals and the Uniform Limitations Act, and*
3. *Common Law Relationships under The Matrimonial Property Act.*

2. On-going projects:

- A. **Enduring Powers of Attorney:** The Commission is participating in a review of legislation relating to guardianship of adults as a member of the Provincial Steering Committee on Abuse of Adults in Vulnerable Circumstances. As part of its commitment, the Commission has issued a background paper on revision of enduring powers of attorney law. The paper has been circulated to Committee members, and will be released to the public after comment and revision.
- B. **Liability of Volunteers:** The Commission has released a consultation paper on the liability in the not-for-profit sector. The paper is available for response on an Internet web-site established as part of the consultation process.

3. Other Activities:

The Commission participated in the work of the Uniform Law Conference of Canada, and the Director attended the annual meeting of the Conference in Winnipeg. The Director was a member of the working group drafting uniform unclaimed property legislation, and prepared a background paper on constitutional and international law issues for the group.

Management's Responsibility for the Financial Statements

Management is responsible for the integrity of the financial information reported by the Law Reform Commission of Saskatchewan. Fulfilling this responsibility requires the preparation and presentation of financial statements and other financial information according to the recommendations of the Public Sector Accounting and Auditing Board. These recommendations are consistently applied, with any exceptions specifically described in the financial statements.

The accounting systems used by the Commission include an appropriate system of internal controls to provide reasonable assurance that:

- transactions are authorized;
- the Commission's assets are properly kept and financial reports are properly monitored to ensure reliable information is provided for preparation of financial statements and other information;
- the accounts are properly kept and financial reports are properly monitored to ensure reliable information is provided for preparation of financial statements and other financial information.

To ensure management meets its responsibilities for financial reporting and internal control, the members of the Law Reform Commission of Saskatchewan discuss audit and reporting matters with representatives of management at regular meetings. The members of the Commission have also reviewed the financial statements with representatives of management.

The Provincial Auditor of Saskatchewan has audited the Law Reform Commission of Saskatchewan's statement of financial position as at March 31, 1999 and the related statements of operations and changes in net assets and cash flows for the year then ended. Their responsibility is to express an opinion on the fairness of management's financial statements. The Auditor's Report outlines the scope of their audit and their opinion.

Kenneth P.R. Hodges
Chair

Michael Finley
Director of Research

Saskatoon, Saskatchewan
September 15, 1999



Provincial Auditor Saskatchewan

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AUDITOR'S REPORT

To the Members of the Legislative Assembly of Saskatchewan

I have audited the statement of financial position of the Law Reform Commission of Saskatchewan as at March 31, 1999, and the statement of operations and changes in net assets and cash flows for the year then ended. The Commission's management is responsible for preparing these financial statements for Treasury Board's approval. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform and audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 1999 and the results of its operations and its cash flows for the year then ended in accordance with generally accepted accounting principles.

Wayne Strelioff, CA
Provincial Auditor

Regina, Saskatchewan
September 15, 1999

Statement 1

**LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF FINANCIAL POSITION
As at March 31**

	<u>1999</u>	<u>1998</u>
ASSETS		
Current		
Cash	\$ 63,331	\$ 55,499
Accounts Receivable	1,420	—
Prepaid Expense	142	—
Capital assets (Note 3)	<u>1,792</u>	<u>1</u>
Total Assets	<u>\$ 66,685</u>	<u>\$ 55,500</u>
NET ASSETS		
Net assets (Statement 2)	<u>\$ 66,685</u>	<u>\$ 55,500</u>

(See accompanying notes to the financial statements)

Statement 2**LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF OPERATIONS AND CHANGES IN NET ASSETS
Year Ended March 31**

	<u>1999</u>	<u>1998</u>
Revenues		
General Revenue Fund appropriation	\$ 55,000	\$ 55,000
Law Foundation grants	55,000	55,000
Interest	<u>1,221</u>	<u>515</u>
	111,221	110,515
Expenses		
Salaries and employee benefits	72,664	79,628
Commissioners' honoraria and expenses	15,222	16,971
Rent	6,600	6,600
Conference	2,344	1,486
Office supplies and services	1,250	965
Printing	1,102	1,347
Communications	343	235
Miscellaneous	287	335
Amortization Expense	<u>224</u>	<u>—</u>
	<u>100,036</u>	<u>107,567</u>
Excess of revenues over expenses	11,185	2,948
Net asset balance, beginning of year	<u>55,500</u>	<u>52,552</u>
Net asset balance, end of year (to Statement 1)	<u>\$ 66,685</u>	<u>\$ 55,500</u>

(See accompanying notes to the financial statements)

Statement 3**LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF CASH FLOWS
Year Ended March 31**

	<u>1999</u>	<u>1998</u>
Cash flows from operating activities		
General Revenue Fund appropriation	\$ 55,000	\$ 55,000
Law Foundation grants	55,000	55,000
Interest received	1,221	515
Cash paid to suppliers and employees	<u>(101,374)</u>	<u>(107,567)</u>
Cash flows from operating activities	9,847	2,948
Cash flows from investing activities		
Purchase of capital assets	(2,015)	—
Net increase in cash	7,832	2,948
Cash, beginning of year	<u>55,499</u>	<u>52,551</u>
Cash, end of year	<u>\$ 63,331</u>	<u>\$ 55,499</u>

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN
NOTES TO THE FINANCIAL STATEMENTS
March 31, 1999

1. Incorporation

The Law Reform Commission Act was amended effective November 6, 1987. At that date the Commission became a body corporate and continued the operations of the Law Reform Commission of Saskatchewan.

The purpose of the Commission is to review all the law of the Province with a view to its systematic development and reform and generally the simplification and modernization of the law.

2. Significant Accounting Policies

Revenue Recognition

The Law Reform Commission of Saskatchewan recognizes revenue when received or receivable.

Capital Assets

Capital assets are recorded at cost. The capital assets are reduced annually for the consumed cost of the asset calculated upon the straight line method and a useful life of 3 years.

3. Capital Assets

	Cost	Accumulated Amortization	Net Book Value 1999	Net Book Value 1998
Office Equipment	\$ 21,144	\$ 21,143	\$ 1	\$ 1
Computer	2,015	224	1,791	—
	<u>\$ 23,159</u>	<u>\$ 21,367</u>	<u>\$ 1,792</u>	<u>\$ 1</u>

4. Related Party Transactions

Included in these financial statements are transactions with various Saskatchewan Crown corporations, departments, agencies, boards and commissions related to the Law Reform Commission of Saskatchewan by virtue of common control or significant influence by the Government of Saskatchewan.

The following table summarizes the Commission's related party transactions that are in the normal course of operations. These transactions are recorded at the standard rates charged by these parties and are settled at normal trade terms.

	<u>1999</u>	<u>1998</u>
Operating revenues – Grant from Department of Justice	\$ 55,000	\$ 55,000
Operating expenditures University of Saskatchewan – rent, other services	7,319	7,335

In addition, the Commission pays Saskatchewan Education and Health Tax to the Saskatchewan Department of Finance on all its taxable purchases. Taxes paid are recorded as a part of the cost of those purchases.

PUBLICATIONS

All the Commission's publications may be obtained from the office of the Queen's Printer, 1871 Smith St., Regina, Saskatchewan, S4P 2N5.

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
8. Second Annual Report 1975.
9. Tentative proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.
- 17a. Annual Report 1978 (to the legislature).
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.
22. Proposals for Reform of The Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
24. Proposals for a Consent of Minors to Health Care Act, February 1980.

25. Sixth Annual Report 1979.
- 25a. Annual Report 1979 (to the Legislature).
26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
27. Tentative Proposals for a Definition of Death Act, June 1980.
28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
29. Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics, August 1980.
30. Proposals for an Occupiers' Liability Act, October 1980.
31. Proposals for a Definition of Death Act, December 1980.
32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
33. Tentative Proposals for Defences to Provincial Offences, February 1981.
34. Yearly Review 1980.
- 34a. Annual Report 1980 (to Legislature).
35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
42. Yearly Review 1981.
- 42a. Annual Report 1981 (to the Legislature).
43. Proposals for an Equality of Status of Married Persons Act, May 1982.
44. Proposals for a Guardianship Act: Part I: Personal Guardianship, January 1983.
45. Yearly Review 1982.
- 45a. Annual Report 1982 (to the Legislature).
46. Proposals Relating to Guest Passenger Legislation, August 1983.
47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
48. Yearly Review 1983.
- 48a. Annual Report 1983 (to the Legislature).
49. Tentative Proposals for Reform of the Matrimonial Property Act, September 1984.
50. Proposals for a New Coroners Act, September 1984.
51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
52. Proposals Relating to Ademption by Equitable Conversion, October 1984.

53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
55. Proposals Relating to Joint Obligations, June 1985.
56. Yearly Review 1984.
- 56a. Annual Report 1984 (to the Legislature).
57. Proposals for a Compulsory Mental Health Care Act, March 1985.
58. Proposals for a Survival of Actions Act, May 1985.
59. Proposals Relating to Matrimonial Property Legislation, December 1985.
60. Yearly Review 1985.
- 60a. Annual Report 1985 (to the Legislature).
61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
62. Proposals for Defences to Provincial Offences, December 1986.
63. Yearly Review 1986.
- 63a. Annual Report 1986 (to the legislature)
64. Proposals for a Human Artificial Insemination Act, March 1987.
65. Tentative Proposals for a Frustrated Contracts Act, April 1987.
66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
67. Tentative Proposals for Compensation of Accused on Acquittal, July 1987.
68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.
69. Annual Report and Review 1987.
70. Proposals for a Frustrated Contracts Act, November 1988.
71. Proposals for a Consumer Credit Act, February 1989.
72. Annual Report and Review 1988.
73. Proposals for a New Limitation of Actions Act, April 1989.
74. The Status of English Statute Law in Saskatchewan, February 1990.
75. Annual Report 1989-1990.
76. The Bulk Sales Act, June 1990.
77. Tentative Proposals for a New Personal Property Security Act, December 1990.
78. Annual Report 1990-1991.
79. Proposals for an Advance Health Care Directives Act, December 1991.
80. Annual Report 1991-1992.
81. Proposals for a New Personal Property Security Act, June 1992.
82. Annual Report 1992-1993.
83. Proposals for a Structured Judgements Act, April 1993.
84. Proposals Relating to Distress for Rent, May 1993.
85. Annual Report 1993-1994.
86. Ensuring Continuity, March 1995.
87. Annual Report 1994-1995.
88. Annual Report 1995-1996.
89. Annual Report 1996-1997.
90. Annual Report 1997-1998.

